

ALD-198

May 10, 2018

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **18-1916**

U.S.D.C. E.D. OF PA. CASE #11cv7467 - FILE

IN RE: JEFFREY DAWKINS, Petitioner

Present: MCKEE, VANASKIE, and SCIRICA, Circuit Judges

Submitted is Petitioner's application pursuant to 28 U.S.C. § 2244(b) to file a second or successive petition under 28 U.S.C. § 2254

in the above-captioned case.

Respectfully,

Clerk

ORDER

The application filed pursuant to 28 U.S.C. § 2244 is denied as petitioner fails to meet the criteria set forth in § 2244(b)(2). Petitioner does not purport to rely on a "new rule of constitutional law." § 2244(b)(2)(A). Instead, he claims to rely on newly discovered evidence of his innocence in the form of four eyewitness affidavits, in which the witnesses disavow their prior testimony or written statements. However, petitioner has not made the requisite showing that this evidence would be "sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense." § 2244(b)(2)(B).

By the Court,

s/ Thomas I. Vanaskie
Circuit Judge

Dated: June 6, 2018

tmm/cc: Carole L. McHugh, Esq.



A True Copy:

Patricia A. Dodszeuweit

Patricia S. Dodszeuweit, Clerk